ABANYO V: APPLICATION FOR PERMIT O YEAR ON BRIT HE REALTH ROCY ROLLING APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON EIVED as required by SI it is: ___ not an ____CSURFACE WATER ___ GROUND WATER ___ JAN 2 9 1993 \$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION DEPT. OF ECOLOGY WASHINGTON STATE DEPARTMENT OF GRAY BOXES FOR OFFICE USE ONLY 0 L 0. ACCEPTED APPLICATION NO. W.R.I.A COUNTY PRIORITY DATE TIME APPLICANT'S NAME — PLEASE PRINT (206) 733-6100 Bus. Tel. Delta Water Association, Inc. Home Tel. c/o Wilson Engineering Other Tel (ZIP CODE) ADDRESS (STREET) (STATE) (CITY) Bellingham 805 Dupont Street Belling DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION 98225 Washington Lynden, WA 1954 SOURCE OF SUPPLY IF SURFACE WATER IF GROUND WATER SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC. SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE) & #3(east) #2 (west) TRIBUTARY SIZE AND DEPTH 10" 8" X 75 X USE USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.) Community and Dairy farming (no irrigation) Community ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) ACRE FEET PER YEAR GALLONS PER MINUTE (GPM) 484 Application reflects total instantaneous and annual requested, additional annual requested is 292 mith no additional instantaneous a respectively on the work of the second of the secon TIMES DURING YEAR WATER WILL BE REQUIRED Continuous 1, LANDS THAT ARE DEANG IRRIGATED UNDER WATCH RIGHTS ACQUINED AFTER DECEMBER 0. OV 2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF LOCAL OF IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-HOME, 2-CAMPSITES, ETC. 12,000 cows. IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY IF IRRIGATION, NUMBER OF ACRES VIGILLE TO EST COR MORE AT 350 DATE PROJECT WAS OR WILL BE COMPLETED MONG DATE PROJECT WAS OR WILL BE STARTED 1988 1986 3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL 3A. IF IN PLATTED PROPERTY LOT BLOCK OF (GIVE NAME OF PLAT OR ADDITION) SECTION TOWN RANGE ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION 3B. IF NOT IN PLATTED PROPERTY ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL. 135' N and 1105' W of SE corner Section 3 LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) COUNTY SECTION TOWNSHIP N. RANGE (E. OR W.) W.M. Whatcom 40 3E SE 1/4 SE 1/4 3 DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER 99 year Easement (see attached copy) LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY, OR, COPY CAREFULLY IN THE SPACE BELOW. Sections 35 & 36, T. 41N, R. 2E, Sections 1, 2, 11, 12, 13 ε 14, T. 40N, R. 2E., Sections R. 3E. and Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 18 T. T 41N., 32, 33 & 34, R. 3E. W.M. In order to retain its priority date, this application west be retro^tted to the Department of Ecology, with orrections, on a before...

to your

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Engineer representing water association	ACHASER, ETC.)
ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.)	YES NO
IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY	
COLUMN STATE A TREET STATE CONTRACTOR ST	
CHAY BOXES FOR OFFICE USE CIVLY) DEPT. OF ECOLOGY	3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED (FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, E	TC.
181. 2015. 181.	
West Well (#2) TT450 - 30 HP submersible 450 gpm	
Other Tel	and the second
East Well (#3) 803H - 20 HP Turbine 200gpm	
East Well (#3) 803H - 20 HP Turbine 200gpm	the second state of the se
	n di karin karin. Marin sekaran menukan perdakenten perbakenten perangan menukan di sebagai bepada di sebagai Sebagai karin sebagai di kecamana dan di harangan pengan pengangan karin karin karin salah di sebagai di sebag
त्व प्रवास विकास के बहुत है । जा का का जा का	IF SURFACE WATER
7. This is an intensely dairy farmed area, that is projected to support 12,0	000 cows at 36
gal. per day/cow including residential use or 484 AC-FT/YR	
	n of the state was taken a mark it response and proposed species to the first consistent desires in the proposed species and the state of the proposed species and the state of the state o
8. COMPLETE THE SECTION ONLY IS THE SECTION OF THE	USE TO WARCH WATER IS TO BE API
COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE	and the control of th
CURIO FEET PEH SECOND (CFS) OF CALLONS PEH MINUTE (GPM) AGEL FEET PEH YEAR WHOM TOA RATEW MRAY YJIMAY BY STRUMBAR SUBJECTION OF SHORTHING SHORTHING SHORTHING OF SHORTHING SHORT	AS PASSED BY THE VOTERS ON
NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:	
DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED ING THREE CATEGORIES:	2000 ACRES FOR THE FOLLOW-
1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977.	YES NO
2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY. 3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION.	YES NO L
IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OF THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.	O MODE AT
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MARKY JEGOTION FLOWER PRINCE AND REACH ENGLISH STATES AND REACH ENGLISHED FOR A STATE OF A SECOND STATES.	OHA CHITAIN PHOP
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DEPARATMENT OF ECOLOGY	
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and am returning it for correction or completion as follows:	alare the color of the angle of the color of the angle of the color of
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corrections, on or before, 19, 19	
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ECY 040-1-14 1007 A Department of Ecology	THE THE PARTY AND THE PARTY AND THE PARTY OF

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SECTION MAP 3E 40 Twp.40 N. R. Sec. N JVMILLION REGION IVASTI. 130 REGICH BR THWES REGION W E STATE DE CAMAGEAN REGIONAL INDEX * Y. BEYYNUGO inice of the Dipartness of F ology having landdiction in your computer apparation barns, oneps, than these were ir water right syplication will be processed by the Regional area in which our water works are focused, thease another. De examination fee to the appropriate Regional Office. 111 period Lineagon forting Nonhweit Regional Office Yakuna, Wastayyon 93903-1 6-1 18t. (509) S75 2209 Believuc, WA 98008-5-52 Tel. (200: 649-7000 Well 3 Well 2 Southwe's Resion astem Regional Othice Spotane, Washington 99205-1295 925 1180-10680 norganit 1,105 Tel. (509) 456 29 v Scale: 1 inch = 800 feet (each small square = 10 acres) Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile. Indicate traveling directions from nearest town in space below. Detach here Fold along scale 0 400 800 1,200 1,600 2,000 2,400 2,800 3,200 3,600 4,000 4,400 4,800 5,200 FEET

Detach this scale at the performation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline property and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the application and \$10.00 examination fee.



Your water right application will be processed by the Regional Office of the Department of Ecology having jurisdiction in the area in which your water works are located. Please submit your completed application form, maps, sketches, and \$10.00 examination fee to the appropriate Regional Office.

Northwest Regional Office 3190 - 160th Avenue S.E. Bellevue, WA 98008-5452 Tel. (206) 649-7000 Southwest Regional Office 7272 Cleanwater Lane Olympia, Washington 98504-6811 Tel. (206) 586-6380

Central Regional Office 3601 West Washington Yakima, Washington 98903-1164 Tel. (509) 575-2800 Eastern Regional Office

N. 4601 Monroe, Suite 100 Spokane, Washington 99205-1295 Tel. (509) 456-2926 (agrop 6) - suggest here, not

The appropriate Regional Office will be happy to answer any further questions you may have. by a rarde (O) the locations of called

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EASEMENT

The GRANTORS, MARVIN VAN MERSBERGEN and CAROL VAN MERSBERGEN, husband and wife, and MARK VAN MERSBERGEN and BEVERLY VAN MERSBERGEN, husband and wife, for and in consideration of \$10.00 (10) and other good and valuable consideration to them in hand paid, convey and Quit Claim to DELTA WATER ASSOCIATION an easement with a term of ninety-nine (99) years, granting DELTA WATER ASSOCIATION right to drill and maintain water wells and install pumps and equipment, as well as additional wells together with the unlimited right to enter the premises to maintain the above described equipment and any other equipment, all with respect to that certain real property which is more fully described as follows:

That portion of the West half of the Southeast quarter of the Southeast quarter of Section 3, Township 40 North, Range 3 East of W.M., described as follows:

Beginning at the Southwest corner of the above-described property; thence East 106 feet to the point of beginning; thence North 230 feet; thence East 400 feet; thence South 230 feet; thence West 400 feet to the point of beginning, LESS roads.

Situate in Whatcom County, Washington.

This easement is subject to the following terms and conditions:

- 1. TERM. The GRANTORS agree that the GRANTEES shall have a right to the easement described above for a term of ninety-nine (99) years which the parties agree commenced on June 1, 1986, and which shall terminate on June 1, 2085.
- 2. TAXES. Real property taxes incurred with respect to the subject premises during the term of easement shall be the GRANTORS obligation. Any personal property taxes arising on account of the equipment placed on the premises by the GRANTEES shall be the GRANTEES obligation.
- 3. INSURANCE. The GRANTEE shall be fully responsible to insure any property they place on the premises against losses due to wind or fire and in addition the GRANTEE shall be responsible to provide liability insurance for their protection only.
- 4. MAINTENANCE OF PREMISES. The GRANTEE shall maintain the premises which are the subject of the easement in a professional manner keeping the premises neat and clean at all times during the term of the easement.
- 5. RIGHT TO PURCHASE WATER SHARE. During the term of this easement, the GRANTEE guarantees that the GRANTORS, or the survivors of the group of the four of them, shall have the personal right to purchase a water share from the GRANTEE at the then going rate and at the time that the GRANTORS choose to purchase the water share.
- 6. TERMINATION. If during the term of this easement, the GRANTEES discontinue the use of the subject premises for the production of water for a period of time over one (1) year, the easement shall thereupon be immediately be terminated and the premises shall revert to the GRANTORS.

- 7. FENCE. If required by the Whatcom County Health Department or any other governmental agency, the GRANTEES shall fence the premises and shall also comply with any other governmental regulations with respect to the operation of the water wells on the demised premises.
- 8. RECORDING. The Easement shall be executed in recordable form, and at the GRANTEES election, this Easement may be recorded with the Auditor of Whatcom County, Washington, at the GRANTEES expense.

IN WITNESS WHEREOF the parties hereto have executed this Easement and Agreement as of the day and year first above written.

GRANTORS: Mark Varcol STATE OF WASHINGTON)) ss. COUNTY OF WHATCOM

GRANTEES:

DELTA WATER ASSOCIATION

On this day personally appeared before me MARVIN VAN MERSBERGEN and CAROL VAN MERSBERGEN, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this A day of September, 1988.

UBLIC in and Washington, Vesiding at Lynden, Wash

STATE OF WASHINGTON)

COUNTY OF WHATCOM

ss.

On this day personally appeared before me MARK VAN MERSBERGEN and BEVERLY VAN MERSBERGEN, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledge to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this // day of September, 1988.

MOTARY PUBLIC in and for the S residing at Lynder, Washington

EASEMENT Page 3

STATE OF WASHINGTON)

) ss

COUNTY OF WHATCOM)

On this Aday of September, 1988, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared Dennis De Coer and Janathan Hauter to me known to be the President and Secretary, respectively of DELTA WATER ASSOCIATION, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that Tanatha authorized to execute the said instruments and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

WOTARY PUBLIC in and for the write of Washington,

residing at Lynden, Washing

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